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10/748,227	12/31/2003	Haruo Machida	03500.014453.1	7138
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				DINH, KHANH Q
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/748,227	MACHIDA, HARUO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khanh Q. Dinh	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 November 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 and 48-53 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 and 48-53 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This is in response to the Amendment and Remarks filed 11/11/2008. Claims 1-17 and claims 48-53 are presented for examination.

### **Claim Rejections - 35 USC ' 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al., US pat. No.6,078,308 in view of Tachibana, US pat. No.6,219,053.

As to claims 1, 8 and 13, Rosenberg discloses a data processing apparatus capable of data communications with various devices (12, 228 fig.3) including a PC and peripheral device, connected with a network, comprising:

a storing unit (204 fig.3) configured to store information and connection information of various devices and system displaying means on a display unit by using an icon corresponding to each of the devices (12, 228 fig.3), in accordance with the connection

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information stored and managed by said storing unit (enabling users to move mouse to corresponding move computer generated objects as targets and using a graphical user interface to present options to users and to receive input from the users, see figs. 3, 5, abstract, fig.3, col .3 lines 5-54, col.6 line 23 to col.7 line 64);

designating unit configured to designate an icon corresponding to a first device and an icon corresponding to a second device from among the icons displayed on the display unit [using an I/O electronics device (186 fig.3) to control other peripheral devices, see fig.3, col.7 lines 3-64 and col10 line 14 to col.11 line 51], and

function setting screen displaying unit configured to display a setting screen for setting a combination function achievable by combining the input device and the output device respectively corresponding to the icons designated by said designation unit in accordance with the function information stored by said storing unit (moving a cursor displayed on screen by physically manipulating physical user object in order to command the cursor to a desired location or displayed object, can be described as "targeting" activities which can be associated with graphical objects such as icons, see fig.4, col.6 line 22 to col.7 line 64 and co1.14 line 18 to col. 15 line 44); and

a control unit configured to cause the first device and the second device respectively corresponding to the icons designation unit such that the output from the first device is used as the input device to the second device, to perform processing, on the basis of the combination function set by using the screen displayed by said function setting screen displaying screen displaying unit (tracking the movement of users' objects using position sensors, graphical icons and providing suitable electronic signals to the

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electronic interfaces and using I/O electronics device (186 fig.3) to control other peripheral devices, see col.5 line 5 to col.6 line 41, col.14 line 17 to col.15 line 43 and col.10 line 14 to col.11 line 51).

Rosenberg does not specifically disclose displaying a system configuration of the network. However, Tachibana discloses displaying a system configuration of the network (network configuration displaying by icons on a screen, see fig.4, col.6 line 52 to col.7 line 54). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Tachibana's teachings into the computer system of Rosenberg to display network configuration because it would have enhanced the flexible network representations and enabled users to easily recognize the network configuration on a screen in a communication network.

As to claim 2, Rosenberg discloses said function setting screen displaying unit displays a setting segment for an executable expansion function of each device on the setting screen, in accordance with the function information of the device stored by said storing means (see col. 14 line 17 to col.15 line 43).

As to claim 3, Rosenberg discloses an editing unit configured to edit display contents on the setting segment for the executable expansion function of each device displayed by said function setting screen displaying means (see figs.3, 4, col. 14 line 17 to col. 15 line 43).

As to claims 4 and 5, Rosenberg discloses wherein the network is connected with plural other data processing apparatuses communicable with the data processing apparatus

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and one of the plural data processing apparatuses is used as a management server (see figs.3, 4, col. 14 line 17 to col.15 line 43 and col.17 line 53 to col.18 line 67).

As to claim 6, Rosenberg discloses that the management server can store and manage an expansion configuration image resource of each device (see figs.3, 4, col. 14 line 17 to col. 15 line 43 and col.17 line 53 to col.18 line 67).

As to claim 9, Rosenberg discloses said function setting screen displaying step includes displaying a setting segment for an executable expansion function of each device on the combination function said function setting screen, in accordance with the function information of the device stored in said storing step (see col.10 line 6 to col.12 line 6 and col.14 line 17 to col. 15 line 43 ).

As to claim 10, Rosenberg discloses an editing step for editing and setting display contents on the setting segment for the executable expansion function of each device displayed in said function setting screen displaying step (see figs.3, 4, col. 14 line 17 to col. 15 line 43).

As to claim 11, Rosenberg discloses a management server is provided which can store and manage an expansion configuration image resource of each device (see figs.3, 4, col. 14 line 17 to col.15 line 43).

As to claim 14, Rosenberg discloses the function setting screen displaying step displays a setting segment for an executable expansion function of each device on the setting screen, in accordance with the function information of the device stored in said storing step (see col.10 line 6 to col. 12 line 6).

As to claim 15, Rosenberg discloses that the program further comprises an editing step

for editing and setting display contents on the setting segment for the executable expansion function of each device displayed in said function setting screen displaying step (see figs.3, 4, col. 14 line 17 to co1.15 line 43).

As to claim 16, Rosenberg discloses a management server is provided which can store and manage an expansion configuration image resource of each device, wherein said acquirement step acquires the expansion configuration image resource of each device transmitted from the management server each time the expansion configuration image resource of the device including the expansion function of the device and managed by the management server is updated (see figs.3, 4, co1.14 line 17 to co1.15 line 43).

4. Claims 7, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg and Tachibana.

Rosenberg's teachings still applied as in item 3 above. Rosenberg does not disclose that those first device and second devices including a printer, a fax machine, a digital copying machine, a scanner, a digital camera, and a modem. However, such devices are well known in the art. It would have been obvious to one of ordinary skill in the communication art that the uses of different well-known devices are merely a matter of engineering choice because choice of devices which would have provided more utilizations of the computer system in a network environment.

5. Claims 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg and Tachibana and further in view of Bornstein et el., US pat. No.5,867,164

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(hereafter Bornstein).

As to claims 48 and 49, Rosenberg and Tachibana's teachings still applied as in item 3 above. Rosenberg discloses a determining unit configured to determined input/out setting suitable for a combination of the input device and the output device respectively corresponding to the icons designated by said designation unit (see figs.3, 4, col. 14 line 17 to col. 15 line 43). Rosenberg does not disclose that a function setting screen displaying unit displays a setting screen to which the input/output setting determined by said determining unit has been set as default and the input/output setting is color or monochrome setting or resolution setting. However, Bornstein discloses a function setting screen displaying unit displays a setting screen to which the input/output setting determined by said determining unit has been set as default and the input/output setting is color or monochrome setting or resolution setting (see abstract, col.8 line 21 to col.9 line 8). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Bomstein's teachings into the computer system of Rosenberg to display data information because it would have displayed to the users the document/data information which is the most indicative of the contents of the document/data information in a communication network.

Claims 50-51 are rejected for the same reasons set forth in claims 48 and 49 respectively. Claims 52-53 are rejected for the same reasons set forth in claims 48 and 49 respectively.

### **Response to Arguments**

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6. Applicant's arguments filed 11/11/2008 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose a control unit configured to cause the first device and the second device respectively corresponding to the icons designation unit such that the output from the first device is used as the input device to the second device, to perform processing, on the basis of the combination function set by using the screen displayed by said function setting screen displaying screen displaying unit.

*Examiner respectfully disagree. Examiner respectfully point out that Rosenberg discloses a control unit configured to cause the first device and the second device respectively corresponding to the icons designation unit such that the output from the first device is used as the input device to the second device, to perform processing, on the basis of the combination function set by using the screen displayed by said function setting screen displaying screen displaying unit (tracking the movement of users' objects using position sensors, graphical icons and providing suitable electronic signals to the electronic interfaces and using I/O electronics device (186 fig.3) to control other peripheral devices, see col.5 line 5 to col.6 line 41, col.14 line 17 to col.15 line 43 and col.10 line 14 to col.11 line 51) as rejected above.*

- Applicant asserts that the cited reference does not disclose various devices including a PC and peripheral device.

*In response to applicant's arguments, the recitation "including a PC and peripheral device " has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).*

*As a result, cited prior art does disclose discloses a data processing apparatus capable of data communications with various devices, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.*

### **Conclusion**

7. Claims 1-17 and 48-53 are rejected.

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:  
Commissioner for patents

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P O Box 1450

Alexandria, VA 22313-1450

/Khanh Dinh/

Primary Examiner, Art Unit 2451